

REMARKS

This amendment is submitted in response to the Office Action mailed 11 January 2006, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a three-month shortened statutory period in which to respond, ending on 11 April 2006. Submitted herewith is a Petition for a Three-Month Extension of Time extending the due date to 11 July 2006. Accordingly, this amendment is timely submitted.

In the Office Action issued on January 11, 2006, the Examiner finally rejected all pending claims based on art. Specifically, the Examiner rejected claims 1 through 5, 7, 8, 10 through 14, 16, and 18 through 20 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,523,691 (Larkin). The Examiner also rejected claims 6, 9, 15, and 17 under 35 U.S.C. §103(a) as being unpatentably obvious in light of Larkin.

The Applicant has fully considered the Office Action and cited reference and submits this Reply and Amendment in response to the outstanding rejections. Reconsideration of the application for patent is requested.

The Applicant herein proposes cancellation of independent claims 1 and 20 and proposes amendments to claims 2 and 11, the remaining original independent claims. Claim 2 is amended to require that the base have a boat shape. Support for this proposed amendment is found in several parts of the application as originally filed. As an example, please see Figures 3 through 5. No new matter will be introduced with entry of this proposed amendment.

The Larkin reference does not teach or suggest a base that has a boat shape. In the rejection of original claim 10, the Examiner asserts that element 55 in Figure 11 of Larkin discloses a boat-shaped base (see Office action, page 4, second paragraph). As best illustrated in Figures 9 and 10, however, element 55 is simply a circular flange. The top and bottom surfaces of this flange 55 are not boat-shaped, as required by claim 2 as amended herein.

A careful review of the entire disclosure of Larkin reveals a complete lack of a teaching or suggestion of a boat-shaped base. Accordingly, amended claim 2, and all claims that depend therefrom, are not anticipated nor rendered obvious by Larkin.

Claim 11 is amended to require that the base section of the closure device be sealingly attached to the edge of the pouch at the port. Support for this proposed amendment is found in several parts of the application as originally filed. As an example, please see Figures 1 and 2. No new matter will be introduced with entry of this proposed amendment.

The Larkin reference does not teach or suggest such a structural relationship between the closure device and the pouch. Indeed, the closure disclosed by Larkin is secured to a pouch in a completely different manner. As best illustrated in Figure 15, the base 55 is disposed at a point external to the edge of the pouch 68. The port structure 46 is formed as an integral part of the pouch 68 with the base 55 of the port spaced from the edge of the pouch 68. This structural relationship stands in stark contrast to that required by independent claim 11 as amended herein, which requires that the base be "sealingly attached to said edge of said pouch at said port."

A careful review of the entire disclosure of Larkin reveals a complete lack of a teaching or suggestion of this structural relationship between the base section and the pouch. Accordingly, amended claim 11, and all claims that depend therefrom, are not anticipated nor rendered obvious by Larkin.

The Applicant also proposes addition of new claims 21 and 22, each of which ultimately depend from independent claim 2, to further define additional features of an embodiment of the invention. Support for these new claims is found in several parts of the application as originally filed. As an example, please see Figures 4 and 5. These new claims do not introduce any new matter into the application.

The Applicant also proposes addition of new independent claim 23. This claim, which is directed to a particular embodiment, is patentably distinct from the cited reference as the combination of elements recited by the claim is neither disclosed nor suggested by the reference. Support for new claim 23 is found in several parts of the application as originally filed. As an example, please see Figures 3 through 5. No new matter will be introduced with entry of this proposed amendment.

CONCLUSION

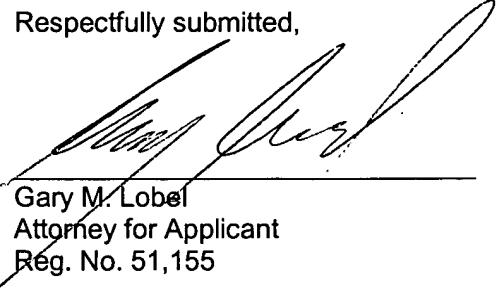
The Applicant has fully responded to the rejections listed by the Examiner in the January 11, 2006, final Office Action. The applicant respectfully asserts that all pending claims define patentable subject matter. A Notice of Allowability relating to all claims currently under consideration is appropriate and respectfully requested by the Applicant.

The Applicant submits the amendments made herein in order to present the rejected claims in better form for consideration on appeal, should appeal become necessary or desirable. Accordingly, entry of this Reply and Amendment submitted under 37 C.F.R. §1.116 is

respectfully requested. Furthermore, an Advisory Action that includes an indication of the entry or non-entry of this Reply and Amendment is requested.

Should the Examiner have any questions regarding this Reply and Amendment, or the remarks contained herein, the undersigned attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,



Gary M. Lobel
Attorney for Applicant
Reg. No. 51,155

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7954

Date: 11 July 2006